

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARK A. WOOD,

Plaintiff,

-v-

PHIL PLUMMER, et al.,

Defendants.

Case No. C-3:11-cv-032

**Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

**ENTRY AND ORDER OVERRULING WOOD'S OBJECTIONS (Doc. #15)
TO THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS AND ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #12) IN ITS ENTIRETY**

This matter comes before the Court pursuant to pro se Plaintiff Mark A. Wood's ("Wood's") Objections (doc. #15) to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #12) regarding Wood's Complaint. Wood's Complaint has not been served. Thus, his Objections are ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Wood's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Wood's Complaint is reviewed pursuant to 28 U.S.C. § 1915(e)(2)(B) to determine if the Complaint or any portion thereof should be dismissed because it is frivolous or malicious; fails to state a claim on which relief may be granted; or seeks monetary relief against a defendant who is immune from such relief. Upon such sua sponte review, only Wood's 29 U.S.C. § 1983 claims

under the Eighth Amendment for denial of medical treatment against Defendants C.O. Matheny, Nurse Theresa, Dr. Jane Doe, C.O. Davis, C.O. Rudd and C.O. John Doe and for the use of excessive force against Defendant C.O. John Doe remain pending. Wood's Complaint is dismissed with prejudice in all other regards, including as to all claims against Defendants Phil Plummer, Nurse Nickie, Nurse Jane Doe and C.O. Mattlock.

An appeal of this Order adopting the Report and Recommendations would not be taken in good faith. Finally, the United States Marshal shall serve a copy of the Complaint, summons and this Entry and Order upon the above-named individuals as directed by Woods.

DONE and ORDERED in Dayton, Ohio, this Twenty-First Day of July, 2011.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Mark A. Wood at his last address of record